

**WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR KING COUNTY**

REGULAR MEETING MINUTES

September 27, 2004

I. CALL TO ORDER

Chair Jim Denton convened the meeting at 5:40 p.m.

II. ROLL CALL

Ellen Abellera	Evangeline Anderson
Lloyd Baker	Chuck Booth
A. J. Culver	Ethel Hanis
Claudia Hirschey	Roger Loschen (arrived at 6:10 p.m.)
Michael Marchand	Judy Tessandore

III MINUTES

Regular Meeting: Chair Denton presented the minutes of the Regular Meeting of August 12, 2004 for review and action by the Board members.

Action: Chuck Booth moved and A. J. Culver seconded the motion to adopt the minutes of the Regular Meeting of August 12, 2004. The Board voted (9 in favor) to approve this record. Ellen Abellera abstained as she was absent from the August Regular Meeting.

City of Redmond NE Rose Hills Annexation (File No. 2168) – Special Meeting: Chair Denton presented the minutes of the Special Meeting of August 23, 2004 for review and action by the Board members.

Action: Ethel Hanis moved and Judy Tessandore seconded the motion to adopt the minutes of the Special Meeting of August 23, 2004. The Board voted (9 in favor) to approve this record. Chuck Booth abstained as he did not participate in the Special Meeting.

City of Redmond NE Rose Hills Annexation (File No. 2168) – Resolution and Hearing Decision:: Chair Denton presented to the Board for review and action the proposed Resolution and Hearing Decision to approve the City of Redmond Notice of Intention to annex the NE Rose Hills Area, with modifications to include the entire NE Rose Hill Annexation Area (approximately 184 acres).

Board members offered the following comments concerning the Resolution and Hearing Decision.

General Comments:

- The approval of the proposed Resolution and Hearing Decision would be consistent with the statutory requirements established for the Boundary Review Board to review annexations.
- However, the action to approve the annexation of the entire NE Rose Hill Area does not reflect the current interests of many of the citizens of the area.
- While the Board is sensitive to the preferences of the citizens, the majority of the Board members believe that, in this situation, annexation will achieve the “greater good” for the community because the City is well able to govern and serve NE Rose Hill, whereas the County is unable to do so.

Specific Issues:

- The proposed Resolution and Hearing Decision states (on page 24) that: “King County is not the proper jurisdiction to govern and serve NE Rose Hill. King County is mandated to provide for regional governance rather than for local governance. King County is mandated to provide for rural areas rather than for urban areas. Further, King County officials report that the County is encountering financial challenges which hinder the provision of effective governance and reliable services necessary for preservation and enhancement of public health and welfare.”

Board members were in agreement that the County is encountering a variety of challenges, including financial challenges, for the provision of services to the NE Rose Hill Area. However, there were various perspectives among Board members concerning the specification of financial challenges as a criterion for decision-making with respect to this action.

Some members expressed the opinion that RCW 36.93 calls for evaluation of the financial viability of jurisdictions serving and/or proposed to serve an area. Other members reported that the overall limitations that the County is encountering in providing services necessary to protect public welfare – including but not limited to fiscal constraints – constitute the primary issue of interest to the Board. To specifically identify only financial challenges provides a too limited picture of the issues germane to consideration of annexation of the NE Rose Hill and other, similar isolated unincorporated areas.

Board members generally concurred that the Resolution and Hearing Decision would be improved by presenting a statement more related to governance challenges than to financial challenges.

Action: A.J. Culver moved and Ethel Hanis seconded the motion to amend the Resolution and Hearing decision to state that “King County is not the proper jurisdiction to govern and serve NE Rose Hill. King County is mandated to provide for regional governance rather than for local governance. King County is mandated to provide for rural areas rather than for urban areas. Further, King County officials report that the County is encountering challenges which hinder the provision of effective governance and reliable services as required for the preservation and enhancement of public health and welfare.”

The Board voted (9 in favor) to approve the motion. Chuck Booth abstained as he did not participate in the public hearing for the City of Redmond NE Rose Hill Annexation.

Action: Evangeline Anderson moved and Claudia Hirschey seconded the motion to adopt proposed Resolution and Hearing Decision to approve the Notice of Intention by the City of Redmond (File No. 2168), as amended, to annex the NE Rose Hills Area, with modifications to include the entire NE Rose Hill Annexation Area (approximately 184 acres).

The Board voted (6 in favor; 4 in opposition) to approve this Resolution and Hearing Decision. Evangeline Anderson, A. J. Culver, Claudia Hirschey, Roger Loschen, Michael Marchand and Judy Tessandore voted in favor of the Resolution and Hearing Decision. Ellen Abellera, Lloyd Baker, Jim Denton and Ethel Hanis voted against the Resolution and Hearing Decision. Chuck Booth abstained as he did not participate in the Special Meeting.

Technical Issues:

- Both the Special Meeting Minutes and the Resolution & Hearing Decision for the proposed NE Rose Hill Annexation are extremely detailed in their reporting of testimony and deliberation. Some Board members believe that the statutory requirements – and the interests of the community – would be effectively served by providing more brief reports focused on a summary of actions and conclusions by the Board.

Based upon the fact that the existing documents have been prepared in a manner consistent with materials prepared for previous special meetings, and the fact that the due date for the completion of the present Resolution and Hearing Decision is October 2, 2004, it is recommended that the present documents be brought forward for consideration by the Board.

Mrs. Blauman will confer with Special Assistant Attorney General Robert Kaufman to consider options for the development of a more concise reporting system that would be appropriate and effective to meet the interests of the Board, the community, and other regulatory authorities.

IV ADMINISTRATION

A. CHAIR'S REPORT

General Business

Chair Denton reported that the Board has been working on several projects, including: (1) coordinating programs with King County Executive/Council 2004 Work Program; (2) coordinating efforts with the State Association to develop and implement a program for work with the CTED Annexation Study, the State Legislature Interim Session, and Legislature 2005; (3) Year 2005 Budget Proposal; (4) pre-development review for future Notices of Intention; and (5) providing procedural information to a community group investigating options for incorporation. The Board has also been addressing the tasks of annual personnel reviews, selection of members for the 2005-2009 term of office, and nomination of officers for 2005. Committee members and staff will report on each of these activities.

CTED Annexation Issues Study: Michael Thomas, reporting on behalf of King County, and Lenora Blauman provided a summary of the CTED Annexation Study Team activities.

On September 22nd, the CTED Advisory Committee considered annexation impediments/strategies relating to:

- RCW 35.13A (Cities and Towns) and other annexation-related legislation
- RCW 36.70A (Growth Management Act)
- RCW 36.93 (Boundary Review Board Enabling Act)

The CTED Advisory Committee's preliminary agenda for that discussion lists two issues:

- Discrepancies between GMA policies and particular Boundary Review Board criteria
- Role of boundary review boards following the achievement (i.e., full implementation) of GMA policies

The CTED Advisory Committee has expressed the opinion that the Growth Management Act, through existing and potential implementation tools, could serve as a key resource for the encouragement of annexation of unincorporated areas. The Committee will look at a variety of such tools in the course of this Annexation Issues Study. Similarly financial tools -- such as state/county/jurisdiction fund matching; utilities taxes; program specific taxes (e.g., gasoline taxes to fund transportation improvements) -- could be valuable assets in the encouragement of incorporation.

The CTED Advisory Committee has expressed an interest in obtaining information concerning the rules under which the Board considers modifications to proposed annexations -- e.g., expansions, reductions, denials -- together with ideas for enhancing the tools available to Boundary Review Boards.

Mr. Thomas reported that State Boundary Review Board Association representative Susan Winchell made a presentation to the CTED team concerning the Boundary Review Board role and responsibilities with respect to annexations. Ms. Winchell distributed the summary sheet of BRB role and responsibilities and the Statement of Principles. She also provided materials based upon the Training Workshop that is provided each year for Boundary Review Board members. Ms. Winchell focused her remarks toward the basic statutory framework that establishes the requirements for decision making (e.g., RCW 36.93; RCW 36.70A). She provided information relating to annexation law and reported concerning Boundary Review Board decisions on annexation proposals over the last 10 years.

The CTED Advisory Committee was reportedly very interested to hear information from Ms. Winchell who is considered to be a credible and knowledgeable Boundary Review Board spokesperson. A number of the CTED Advisory Committee members had encountered diverse experiences with their local boards. Thus, there was initially a mixed reaction to Boards.

Additionally, there is some preliminary data indicating that cities are describing boards as a key impediment to annexation.

As reported to Lenora Blauman by Ms. Winchell, some cities seem to want to assign blame to another body for lack of success with annexations. It appears that cities prefer to target the BRB as the primary obstacle to annexation, rather than to establish programs to revise the image of the city in the eyes of the citizens or to adjust revenue formulas to encourage citizen interest in annexation.

Mrs. Blauman reported that the CTED Advisory Committee has developed a Survey designed to more specifically identify Annexation Barriers and Strategies to achieving full annexation or incorporation of urban areas. The Survey was distributed to elected officials and planning directors in the six buildable lands counties (King, Kitsap, Clark, Pierce, Snohomish, and Thurston). Each jurisdiction will decide who shall complete the Survey. Data from this survey and other research will be included in CTED's report to the Legislature in December 2004.

Special purpose district association members and boundary review boards were provided with copies of this Survey. The CTED Advisory Committee has invited boundary review board comments. These comments were due to Susan Winchell (swinchell@spokanecounty.org) or to Lenora Blauman by noon on September 28, 2004.

CTED is still in the data collection mode and no decisions have been made. However, in the opinion of Ms. Winchell, the CTED Annexation Survey appears to have been crafted to support the position that Boundary Review Boards are substantial obstacles to annexations. According to Ms. Winchell, AHBL – the CTED Advisory Committee's consultant and CTED representative Heather Ballash – took greater note of negative comments than positive comments about the boundary review boards.

So, while the CTED Advisory Team – as a whole -- is presently inclined toward maintaining the role of the BRB as the annexation decision-maker because, in the event that the boards are eliminated, County officials would be the likely required decision-makers, Ms. Winchell reports some concerns that a bias in the survey and/or opinions of the consultant and CTED representative could effectively skew the attitude of the CTED Advisory Committee.

The CTED Advisory Committee will also meet in October 2004 to consider issues related to finance (e.g., taxation, funding incentives. The CTED Study Team will meet in November to contribute to the preparation of the final report to the Legislature. The Report will be presented to the Legislature in December 2004. Report findings will form the framework for new legislation to be proposed to Legislature 2005 to remove obstacles to and encourage implementation of annexations of urban areas.

Boundary Review Board members will also have an opportunity to learn about the CTED Annexation Study at the State Association Annual Fall Conference on September 30/October 1. The CTED Annexation Study Team will be making a presentation and leading a discussion at that Conference. Participation in this program will provide an opportunity to offer to the Study Team comments and ideas concerning annexations.

B. Committee Reports

Budget Committee: A. J. Culver and Lenora Blauman reported that the Board's Year 2005 Budget, proposed at \$232,500, has been approved by the County Executive. The Budget is presently listed on the Council's Consent Agenda. Items on the Consent Agenda are designated as necessary and non-controversial expenditures.

The Board's budget proposal is considered to be appropriate based upon Council funding criteria, as this budget proposal is based upon historic budgets and forecast workload. The Budget Committee and staff have evaluated each budget item to ensure that all expenditures are necessary. As the Board functions under state law, and with a lean budget, there are extremely limited avenues for cost reduction.

If the Board's Budget Proposal remains on the Consent Agenda, then funding for 2005 should be allocated as a matter of routine when the CX budget is adopted in November of 2004.

The Council can, however, remove items from the Consent Agenda for more detailed review and evaluation. In each of the past four years the Board's Budget Proposal has been initially assigned to the Consent Agenda and then removed from that Agenda at the Council's request for additional data concerning the structure and function of the Board. At the conclusion of deliberation, the Council has adopted an intact budget for the Board.

Nominating Committee: Roger Loschen, Chair of the Nominating Committee, reported that the Committee will be meeting in November 2004 to select candidates for Chair-Elect for 2005. Judy Tessandore, who is Chair-Elect this year, will serve as Chair in 2005.

Personnel Committee: Charles Booth, Personnel Committee Chair, reported that the Personnel Committee will meet on October 14, 2004 to conduct a performance review for Lenora Blauman. The Committee will also begin the process of securing appointments to the Board for 2005-2009. To date, Michael Marchand, A.J. Culver, and Van Anderson have expressed an interest in continuing membership on the Board. Ethel Hanis, Ellen Abellera, and Lloyd Baker, have determined that professional or personal obligations will prevent them from returning to the Board. The Committee members and Mrs. Blauman will be working with the Office of the Governor, the Office of the King County Executive, the Cities of King County, and the Special Purpose Districts to secure new appointments and reappointments by January 2005.

C. Executive Secretary's Report

City of Renton Merritt II Annexation: Invoking of Jurisdiction: Chair Denton and Mrs. Blauman reported that the King County Executive has invoked jurisdiction seeking a public hearing for the purpose of requesting that the Boundary Review Board expand the proposed City of Renton Merritt II Annexation from 20.59 acres to include the entire Annexation Area.

The Board is required to take action with respect to the request for the public hearing. RCW 36.93 requires the Board complete the hearing process (and related administrative tasks), conduct deliberations, and render a decision within 120 days of the date of the request for invoking jurisdiction. The request for hearing was provided to the Board on August 27, 2004. Therefore, the Board would need to complete its duties by December 24, 2004.

Due to the challenges inherent in scheduling and staffing public hearings and conducting decision-making activities during the holiday season, the City of Renton has requested that the 120-day review period be extended to January 15, 2005. The Board staff has determined that the necessary public hearing process could be completed and decision rendered by January 15, 2005.

Mrs. Blauman distributed a tentative schedule for administrative tasks (e.g., public notice, legal notices), hearing dates, and decision making procedures for review by the Board. The first hearing(s) for File No. 2178 must be confined only to a review of the proposed annexation. If the Board wishes to consider expansion of the annexation area following the first hearing(s), then the Board must conduct a second set of hearings. A separate public notice procedure is required to notify community members potentially affected by incorporation of the entire Rose Hills Potential Annexation Area.

A tour of the site will be provided for interested Board members

Action Judy Tessandore moved and Ellen Abellera seconded a motion that the Board undertake a public hearing for File No. 2178 City of Renton Merritt II Annexation in response to the invoking of jurisdiction by the Office of the King County Executive. The Board called for the staff to undertake administrative procedures preparatory to a public hearing and to schedule an initial public hearing on Wednesday November 3, 2004. The motion was approved by unanimous vote.

Fairwood Incorporation: Mrs. Blauman reported that the Fairwood Incorporation Team is continuing to consult with County officials and to consult with representatives from Renton and

Kent to establish a plan, scope of work, and timeline for consideration of governance options. The Team is considering options including incorporation and/or annexation of various sections of the Fairwood Area.

The next Team Meeting is slated to occur on October 4, 2004.

State Boundary Review Board Association Conference: Mrs. Blauman stated that a report on the Conference will be provided to the Board at the October Regular Meeting.

November 2004 Regular Meeting Date: November 11, 2004, the Regular Meeting Date, occurs on Veterans Day. As such, the meeting will need to be rescheduled. At the request of the Board members, the meeting was rescheduled to November 18, 2004.

D. CORRESPONDENCE

Correspondence was reviewed briefly. No questions or issues were raised with respect to the substance of the correspondence.

V. NEW BUSINESS

A. NOTICES OF INTENTION

No new Notices of Intention have been submitted to the Board.

B. PENDING FILES

Auburn	Covington
Kent	Ronald Sewer District
Woodinville	Kirkland
Federal Way	Renton (4 files)
Tukwila	Redmond

VI. ADJOURNMENT

Action: Lloyd Baker moved and Charles Booth seconded a motion to adjourn the Boundary Review Board Regular Meeting. The Board voted unanimously in favor of the motion. The meeting was adjourned at 7:25 p.m.